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How Henry Wade Selects a Jury

"Any case, no matter how weak," Henry Wade says, "can be won with the right jury." Wade's phenomenally high number of convictions in cases brought to trial probably supports his argument. In the preliminary examinations of prospective jurors, known to lawyers as voir dire, Wade and his men weed out "undesirables." "I look for tough chins," Wade says. He also looks for men or women of German descent, preferably Lutherans or Presbyterians, aged 35 to 55. The very old, he theorizes, are likely to be soft when it comes to putting someone to death; the very young, he thinks, don't have fixed convictions. He eliminates the Irish because they're soft-hearted and the overweight because they lack discipline.

Some prospective jurors, of course, are full of surprises. Once, Wade recalls, he had determined to strike a venireman he thought was too old. But during questioning, Wade asked if he could vote to sentence a man to electrocution for his crime. The man looked at Wade with fiery eyes: "Mr. Wade, it's not only right, the Bible teaches it!" Wade, suppressing a smile, returned to the prosecutor's table. His young assistant leaned over and asked, "You're not going to take that guy, are you? He must be 70 if he's a day." "You bet I am," Wade whispered back. "You wait, he'll be our strongest juror."

That turned out to be an understatement. When the judge asked the jury to retire and deliberate, the man stood up and shouted to the courtroom: "I know how I'm going to vote. Why can't we just do it right here?"

What Wade and his men look for is spelled out by one of his chief prosecutors, Jon Sparling, in the office's prosecutor's manual — a thick and often brutally frank volume. The section on jury selection is reprinted below.

"What to look for in a juror."

A. Attitudes.

1. You are not looking for a fair juror, but rather a strong, biased and sometimes hypocritical individual who believes that Defendants are different from them in kind, rather than degree.
2. You are not looking for any member of a minority group which may subject him to oppression — they almost always empathize with the accused.
3. You are not looking for the free thinkers and flower children.

B. Observation is worthwhile.

1. Look at the panel out in the hall before they are seated. You can spot the showoffs and the liberals by how and to whom they are talking.
2. Observe the veniremen as they walk into the courtroom.
   a. You can tell almost as much about a man by how he walks, as how he talks.
   b. Look for physical afflictions. These people usually sympathize with the accused.
3. Dress.
   a. Conservatively, well dressed people are generally stable and good for the State.
   b. In many counties, the jury summons states that the appropriate dress is coat and tie. One who does not wear a coat and tie is often a non-conformist and therefore a bad State's juror.
4. Women.
   a. I don't like women jurors because I can't trust them.
   b. They do, however, make the best jurors in cases involving crimes against children.
   c. It is possible that their "women's intuition" can help you if you can't win your case with the facts.
   d. Young women too often sympathize with the Defendant; old women wearing too much make-up are usually unstable, and therefore are bad State's jurors.
   e. It is impossible to keep women off your jury, but try to keep the ratio at least seven to five in favor of men.
5. Weight. Extremely overweight people, especially women and young men, indicates a lack of self-discipline and often times instability. I like the lean and hungry look.
6. Age. People over forty are more settled and more ready to believe that criminals should be punished.
7. Race. Minority races almost always empathize with the Defendant.
8. Demeanor.
   a. Attentive, intelligent looking veniremen that you are able to communicate with on Voir Dire will generally be all right.
   b. Always observe how the veniremen react when being questioned by the defense attorney, and compare it to the venireman's reaction to you.